



STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, MAINE
04333

Bk 1872 Pg28 #4452
06-11-2001 @ 08:57a

ANGUS S. KING, JR.

GOVERNOR

DEPARTMENT ORDER

IN THE MATTER OF

HYDE SCHOOL) STORMWATER MANAGEMENT LAW
Bath, Sagadahoc County)
FAMILY LEARNING CENTER)
L-20527-NJ-A-N (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations, the Department of Environmental Protection has considered the application of the HYDE SCHOOL with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct a new two-story 14,300 square foot building on its campus on High Street in Bath. The proposed project also includes paved parking, service roads, and a new lawn area. This project, along with construction of two buildings since 1997, will result in 1.12 acres of new impervious area on the 5 acre site. The proposed project is shown on a set of plans, the first of which is entitled "Hyde School, FLC, Bath, Maine, Drainage Analysis Existing Condition," prepared by Pinkham & Greer Civil Engineers, dated April 4, 2001. The project is located in the watershed of Whiskeag Creek, which is not most at risk for development, and must meet stormwater quantity standards only.

B. Current Use of the Site: The project site is the campus of Hyde School, which is heavily wooded and includes numerous buildings, roadways, and athletic fields.

2. STORMWATER QUANTITY STANDARDS:

The stormwater quantity plan submitted by the applicant has been reviewed by, and revised in response to, comments from the Division of Watershed Management of the Bureau of Land and Water Quality (DWM). Based upon comments from the DWM and submitted materials, the Department finds that the proposed project meets Department standards for stormwater quantity control. Specific aspects of the plan are discussed below.

A. PEAK FLOW FROM THE SITE AND PEAK FLOW OF RECEIVING WATERS:

The applicant has proposed a stormwater management system consisting of a detention basin and a storm drain system that, based on estimates of pre- and post-development stormwater runoff flows obtained by using the methodology outlined in Technical Release #20, U.S.D.A., Soil



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Conservation Service, detains stormwater from 24-hour storms of 2-, 10-, and 25-year frequency such that the post-development peak flow from the site does not exceed the pre-development peak flow from the site, and the peak flow of the receiving water will not be increased as a result of stormwater runoff from the development site. To ensure that the detention pond is properly constructed, the Department finds that the applicant must submit an as built plan for the detention pond and a certification from a professional engineer that the pond was constructed according to specifications. This plan and certification must be submitted to the Department within 30 days of final pond construction.

B. GRADING OR OTHER CONSTRUCTION ACTIVITY:

Grading or other construction activity on the site will not impede or otherwise alter natural or manmade drainage ways, thereby ensuring that the development will not: (1) have an unreasonable adverse impact on protected natural resources; (2) flood an area of the parcel not specifically planned and designated for such flooding; and (3) flood an area of any other parcel unless an easement is obtained.

C. DETENTION BASINS:

The detention basin design has been reviewed by an engineer from the DWM who has stated that the design meets the detention basin design standards contained in Department Rules, Chapter 500(3)(D).

D. MAINTENANCE:

All components of the stormwater management system will be maintained by the applicant in accordance with the Inspection and Maintenance Plan submitted with the application and dated March 20, 2001.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Section 420-D, and Chapters 500 and 502 of the Department's Regulations:

The applicant has made adequate provision to ensure that the development will meet the stormwater quantity standards for: (1) peak flow from the site and peak flow of the receiving water; (2) grading or other construction activity; (3) detention basins; and (4) maintenance provided that: the applicant submits an as built plan for the detention pond and a certification from a professional engineer that the pond was constructed according to specifications.

THEREFORE, the Department APPROVES the above noted application of the HYDE SCHOOL to construct a stormwater management system as described in Finding 2 in Bath, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its

activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.

3. The applicant shall submit an as built plan to the Department for the detention pond and a certification from a professional engineer that the pond was constructed according to specifications. The plan and certification shall be submitted within 30 days of final pond construction.

DONE AND DATED AT AUGUSTA, MAINE, THIS 23 DAY OF May, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


MARTHA G. KIRKPATRICK COMMISSIONER

A TRUE COPY

ATTEST:


David A. Van Wie, Director
Bureau of Land & Water Quality

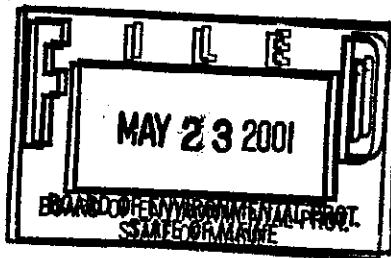
PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

Date of initial receipt of application 03/28/2001

Date of application acceptance 04/09/2001

Date filed with Board of Environmental Protection

DBB/L20527AN



*** NOT A TRUE COPY

STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.

Conditions of approval. The following conditions of approval apply to a stormwater permit (individual or permit by rule) required pursuant to 38 M.R.S.A. § 420-D.

1. Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S.A. § 420-D(8) and is subject to penalties under 38 M.R.S.A. § 349.
2. Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
3. Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted **WITH CONDITIONS**, and indicates where copies of those conditions may be obtained.
4. Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
5. Initiation of project within two years. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference.
6. Reexamination after five years. If the project is not completed within five years from the date of the granting of approval, the department may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances or requirements which may have occurred during the five-year period.
7. Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the developer, and the owner and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.
8. Maintenance. The components of the stormwater management system must be adequately maintained to ensure reasonable operation of the system.

December 31, 1997

SITE LOCATION OF DEVELOPMENT (SITE)
STANDARD CONDITIONS

**STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL
IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL.**

1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents is subject to the review and approval of the Board prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited, without prior approval by the Board of Environmental Protection, and the applicant shall include deed restrictions to this effect.
2. The applicant shall secure and comply with all applicable Federal, State and local licenses, permits, authorizations, conditions, agreements, and orders, prior to or during construction and operation as appropriate.
3. The applicant shall submit all reports and information requested by the Board or Department demonstrating that the applicant has complied or will comply with all conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted **WITH CONDITIONS**, and indicates where copies of those conditions may be obtained.
5. Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
6. If the construction or operation of the activity is not begun within two years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. Reapplications for approval shall state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. Reapplications for approval may include information submitted in the initial application by reference.
7. If the approved development is not completed within five years from the date of the granting of approval, the Board may reexamine its approval and impose additional terms or conditions or prescribe other necessary corrective action to respond to significant changes in circumstances which may have occurred during the five-year period.
8. A copy of this approval must be included in or attached to all contract bid specifications for the development.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised November 1, 1979

DEPLW 148

SAGADAHOC COUNTY

Barbara J. Scott
 Register of Deeds